

## **REMARKS**

Claims 1-6 are pending in the application. Independent claims 1 and 5 have been amended by the present amendment. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 12, second paragraph to page 13, first paragraph; and page 38, line 1 to page 39, last line).

Applicants' claimed invention is directed to an image processing device and method in which suspension of an invalidation or deletion operation to clear a data storing means is carried out while the invalidation is being performed (see, e.g., independent claims 1 and 5). For example, referring to FIG. 14 of the application, while a deletion operation is being carried out (steps S22 and S25), a request for suspension is made (step S26). Then, it is checked whether the user is a certified user (step S28), and the deletion operation is suspended only when it is confirmed that the user who made the request of suspension is a certified user (step S30).

Further, as amended, independent claims 1 and 5 recite that "the invalidation being performed cannot be suspended unless approved by the certified user."

For example, as described on page 12, second paragraph to page 13, first paragraph of the specification:

When operating as the permitting means, the device control section 8 demands input of a predetermined key operator code and check the code by referring to the key operator code information administrated by the administration section 14, which is used as a proof that the user (operator) is a certified operator (e.g. the administrator of the digital multi-function device 1), who has a right to stop the deletion (invalidation) operation of the image data. Thereafter, the device control section 8 further demands confirmation to carry out the deletion (approval of the invalidation operation) from the user through the key (input section 4a) displayed in the display section 4b, and then permits the suspension of the deletion (invalidation) operation.

Page 38, lines 5-8 of the specification refers to: "suspending the invalidation operation after the invalidation (deletion) operation is started, by inputting a predetermined key operator code, which is a proof that the user (operator) is a certified operator ... who has a right to stop the invalidation (deletion) operation of the image data."

Also, page 38, lines 22-24 refers to: "directing suspension of the deletion (invalidation) operation under the authority of a certified user."

Further, on page 39, third paragraph, it is described that "only a specific administrator (the certified user) can judge whether or not the suspension operation should be enforced in order to carry out new image data processing during the invalidation operation of the image data in the hard disk."

In other words, as described in the passages above and elsewhere in the specification, since only a certified user is permitted to suspend an invalidation (deletion) operation, the invalidation being performed cannot be suspended unless approved by the certified user.

On page 3 of the Office Action of 07/10/2008, the Examiner objected to the presence of "new matter" in the claims. However, a new matter rejection is only appropriate where the specification, i.e., the abstract, specification, or drawings are amended (see, e.g., MPEP 2163.06). Therefore, this objection should be withdrawn.

The drawings were objected to because the limitation "the invalidation is normally prioritized over the processing of the image data, but the invalidation is suspended and the processing of the image data is performed if approved by the user requesting the suspension" allegedly was not present in the drawings. Claims 1 and 5 also were rejected under 35 USC 112, first paragraph, as failing to comply with the written description and enablement requirements because of the above limitation. Further, claims 1 and 5 were rejected under 35 USC 112, second paragraph.

As amended, the limitation "the invalidation is normally prioritized over the processing of the image data, but the invalidation is suspended and the processing of the image data is performed if approved by the user requesting the suspension" has been removed from independent claims 1 and 5, thus obviating the drawing objection and the rejections under 35 USC 112, first and second paragraph.

Claims 1-4 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,285,459 to Koakutsu et al. ("Koakutsu") in view of U.S. Patent Application Publication US 2002/0032703 to Gassho et al. ("Gassho"), further in view of Japanese Publication 09-284572 to Rieko et al. ("Rieko"), further in view of U.S. Patent Application Publication US 2001/0000360 to Shibata. Claims 5 and 6 were rejected under 35 USC 103(a) as being unpatentable over Koakutsu in view of Rieko, further in view of Shibata. These rejections are respectfully traversed.

In the "Response to arguments" section on page 2, last paragraph to page 3, first paragraph of the Office Action of 07/10/2008, it was alleged that the Shibata reference teaches "permitting the suspension of the invalidation, in response to a request of the suspension of the invalidation of a user, after it is confirmed that the user who requested the suspension of the invalidation is a certified user (super user is a certified user)," referring to the abstract, FIG. 3, and paragraphs 0066-0078 and 0085-0093.

However, in the "super user mode" of Shibata, "it is possible to cancel or output the print job data" (paragraph 0073 of Shibata).

In other words, in Shibata, correct entry of a password confirms the user's identity, and may allow printing or cancellation of a print job (see, e.g., paragraphs 0071-0078 of Shibata). However, there is no teaching or suggestion that the user is somehow permitted to suspend an invalidation/deletion that is already being performed.

There is simply no teaching or suggestion in the Shibata reference or the other cited references, whether taken alone or in combination, that when a user is confirmed as a certified user, the user can request suspension of an invalidation/deletion procedure being performed, which will result in "suspension of the invalidation being performed" *as claimed*.

Further, there is no teaching or suggestion, even if Shibata is combined with the Koakutsu, Gassho, and/or Rieko references, that "the invalidation being performed cannot be suspended unless approved by the certified user," as recited in independent claims 1 and 5.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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